

# **Executive Orders and Policies for the State Personnel System**

Compiled by the Department of Personnel and Administration Division of Human Resources

This document compiles the executive orders, executive branch policies, and several statutory provisions that affect the state personnel system. Every effort is made to keep this information current; however, statutory or rule cites may have changed so these documents should be consulted.

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## **Sexual Harassment Policy**

Sexual harassment is unlawful and unacceptable conduct, which undermines the integrity of the employment relationship. Sexual harassment will not be tolerated whether such harassment is directed toward fellow employees or the public.

Sexual harassment is defined as unwelcome and repeated sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when one or more of the following conditions are met:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- (2) Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individuals, or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, or
- (4) Submission to or rejection of such conduct by an individual is used as the basis for delivery to or withholding of an agency's services from a client.

Sexual harassment may include actions such as:

- Sex-oriented verbal teasing or abuse
- Subtle pressure for sexual activity
- Physical contact such as patting, pinching or constant brushing against another's body
- Outright demand for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment status.

Complaints of sexual harassment should be made in person or in writing to your agency's affirmative action officer or to some other individual who has been designated as the primary contact. Formal complaints of sexual harassment are processed under the procedures outlined in R 11-1-3. Violations will be treated as willful misconduct under R 8-3-3(C)(2) and may be the subject of disciplinary action as required. Because of differences in employees' values and backgrounds, some individuals may find it difficult to recognize their own behavior as sexual harassment. Moreover, some who are being harassed may not understand or appreciate their right to be protected from such behavior. A good rule of thumb is, "If in doubt, don't."

## **Integrity in Government (Executive Order - Code of Ethics, January 15, 1999)**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order adopting the following Executive Department Code of Ethics.

### **1. Purpose**

Public confidence in the integrity of state government demands that public officials demonstrate the highest ethical standards at all times. Those who serve the people of the State of Colorado as public officials should do so with integrity and honesty, and should discharge their duties in an independent and impartial manner. At the same time, qualified individuals should be encouraged to serve in state government and have reasonable opportunities with all citizens to develop private economic and social interests. This Executive Order strives to accomplish these ends by providing standards by which the conduct of all who serve in the Executive Department of the State of Colorado can be measured.

### **2. Code of Ethics**

All elected officers, appointees and employees of the Executive Department:

- (a) Shall serve the public with respect, concern, courtesy and responsiveness;
- (b) Shall demonstrate the highest standards of personal integrity, truthfulness and honesty and shall through personal conduct inspire public confidence and trust in government;
- (c) Shall not use public office to bestow any preferential benefit on anyone related to the officer, appointee or employee by family, business or social relationship;
- (d) Shall not disclose or use or allow others to use confidential information acquired by virtue of state employment for private gain;
- (e) Shall not accept any compensation, gift, payment of expenses or any other thing of value that would influence him or her to depart from the faithful and impartial discharge of his or her duties;
- (f) Shall not accept any compensation, gift, payment of expenses or any other thing of value as a reward for official action taken;
- (g) Shall not engage in outside employment unless: (1) the outside employment is disclosed to the Governor or, in the case of an employee, the employee's immediate

supervisor; and (2) the outside employment does not interfere with the performance of state duties;

(h) Shall not use state time, property, equipment or supplies for private gain;

(i) Shall not knowingly engage in any activity or business that creates a conflict of interest or has an adverse effect on the confidence of the public in the integrity of government;

(j) Shall carry out all duties as a public servant by exposing corruption or impropriety in government whenever discovered;

(k) Shall support equal access and employment opportunities in state government for all citizens of the State of Colorado;

(l) Shall comply at all times with the standards of conduct set forth in title 24, article 18 of the Colorado Revised Statutes.

### 3. Certification of Review and Compliance

"Principal departments" in this section 3 has the meaning set forth in section 24-1-110 of the Colorado Revised Statutes.

(a) All heads of principal departments and senior staff members of the Governor's Office shall submit to the Board of Ethics, within 30 days of initial employment, a certificate signed under oath in the form attached as Exhibit A verifying that they have read and intend to abide by this Executive Order.

(b) All heads of principal departments and senior staff members of the Governor's Office shall submit to the Board of Ethics, within 30 days of initial employment, and on or before January 30 of each year, a Conflicts Disclosure Statement in the form attached as Exhibit B. Additionally, all heads of principal departments and senior staff members shall amend their annual Conflicts Disclosure Statement not more than 30 days after any conflict of interest arises.

(c) All heads of principal departments and senior staff members of the Governor's Office shall submit to the Board of Ethics, on or before January 30 of each year, a Disclosure of Gifts and Benefits Statement in the form attached as Exhibit C.

#### 4. Board of Ethics

Pursuant to section 24-18-112 of the Colorado Revised Statutes, there shall be a Board of Ethics for the executive branch consisting of five members to be appointed by and to serve at the pleasure of the Governor. The Board of Ethics shall:

(a) Comment, when requested by the Governor, on each proposed gubernatorial appointment, including the heads of the principal departments and the senior members of the Governor's office based upon the provisions of title 24, article 18 of the Colorado Revised Statutes;

(b) Upon written request of the Governor, review complaints of any violation of the provisions of title 24, article 18 of the Colorado Revised Statutes by an elected officer, appointee or employee of the Executive Department;

(c) Make written recommendations to the Governor concerning his requests; and

(d) Review appeals brought before the Board of Ethics pursuant to section 24-30-1003 of the Colorado Revised Statutes.

#### 5. Past Executive Orders Superseded and Replaced.

The Executive Order of September 30, 1988 concerning ethics in the executive branch of government, as well as all previous Executive Orders concerning ethics in the executive branch, are hereby superseded and replaced by this Executive Order.

GIVEN under my hand and the  
Executive Seal of the State of Colorado  
this 15th day of January, 1999.

/s/  
Bill Owens  
Governor

## Statutory Code of Ethics (ARTICLE 18 – Standards of Conduct)

### PART I – Code of Ethics

**24-18-103. Public Trust - breach of fiduciary duty.** (1) The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, members of the general assembly, local government officials, and employees. A public officer, member of the general assembly, local government official, or employee shall carry out his duties for the benefit of the people of the state.

(2) A public officer, member of the general assembly, local government official, or employee whose conduct departs from his fiduciary duty is liable to the people of the state as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his trust. The district attorney of the district where the trust is violated may bring appropriate judicial proceedings on behalf of the people. Any moneys collected in such actions shall be paid to the general fund of the state or local government. Judicial proceedings pursuant to this section shall be in addition to any criminal action, which may be brought against such public officer, member of the general assembly, local government official, or employee.

**24-18-104. Rules of conduct for all public officers, members of the general assembly, local government officials, and employees.** (1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty and the public trust. A public officer, member of the general assembly, local government official, or employee shall not:

(a) Disclose or use confidential information acquired in the course of his official duties in order to further substantially his personal financial interests; or

(b) Accept a gift of substantial value or of substantial economic benefit tantamount to a gift of substantial value:

(I) Which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or

(II) Which he knows or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action he has taken.

(2) An economic benefit tantamount to a gift of substantial value includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of such services.

(3) The following shall not be considered gifts of substantial value or gifts of substantial economic benefit tantamount to gifts of substantial value for purposes of this section:

(a) Campaign contributions reported as required by section 1-45-108, CRS;

(b) An occasional nonpecuniary gift, insignificant in value;

(c) A nonpecuniary award publicly presented by a non-profit organization in recognition of public service;

(d) Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such public officer, member of the general assembly, local government official, or employee is scheduled to participate;

(e) Reimbursement for or acceptance of an opportunity to participate in a social function or meeting which is offered to such public officer, member of the general assembly, local government official, or employee which is not extraordinary when viewed in light of the position held by such public officer, member of the general assembly, local government official, or employee;

(f) Items of perishable or nonpermanent value including, but not limited to, meals, lodging, travel expenses, or tickets to sporting, recreational, educational, or cultural events;

(g) Payment for speeches, debates, or other public events, reported as honorariums;

(h) Payment of salary from employment, including other government employment, in addition to that earned from being a member of the general assembly.

**24-18-105. Ethical principles for public officers, local government officials, and employees.** (1) The principles in this section are intended as guides to conduct and do not constitute violations as such of the public trust of office or employment in state or local government.

(2) A public officer, local government official, or employee should not acquire or hold an interest in any business or undertaking which he has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which he has substantive authority.

(3) A public officer, local government official, or employee should not, within six months following the termination of his office or employment, obtain employment in which he will take direct advantage, unavailable to others, of matters with which he was directly involved during his term of employment. These matters include rules, other than rules of general application, which he actively helped to formulate, and applications, claims, or contested cases in the consideration of which he was an active participant.

(4) A public officer, local government official, or employee should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when he has a substantial financial interest in a competing firm or undertaking.

**24-18-108. Rules of conduct for public officers and state employees.** (1) Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty.

(2) A public officer or a state employee shall not:

(a) Engage in a substantial financial transaction for his private business purposes

with a person whom he inspects, regulates, or supervises in the course of his official duties:

(b) Assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from his agency;

(c) Assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any state agency; or

(d) Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.

(3) A head of a principal department or a member of a quasi-judicial or rulemaking agency may perform an official act notwithstanding subsection

(2) (d) of this section if his participation is necessary to the administration of a statute and if he complies with the voluntary disclosure procedures under section 24-17-110.

(4) Subsection (2) (c) of this section does not apply to a member of a board, commission, council or committee if he complies with the voluntary disclosure procedures under section 24-17-110 and if he is not a full-time state employee.

**24-18-112. Board of ethics for the executive branch - created - duties.** (1) There is hereby created a board of ethics for the executive branch of state government in the office of the governor. The board shall consist of five members to be appointed by and serve at the pleasure of the governor.

(2) The board of ethics for the executive branch shall:

(a) Comment, when requested by the governor, on each proposed gubernatorial appointment, including the heads of the principal departments and the senior members of the governor's office based upon the provisions of this article;

(b) Upon written request of the governor, review complaints of any violation of the provisions of this article by a member of the executive branch of state government; and

(c) Make written recommendations to the governor concerning his requests.

## **PART 2 – Proscribed Acts Related To Contracts And Claims**

**24-18-201. Interests in contracts.** (1) Members of the general assembly, public officers, local government officials, or employees shall not be interested in any contract made by them in their official capacity or by any body, agency, or board of which they are members or employees. A former employee may not, within six months following the termination of his employment, contract or be employed by an employer who contracts with a state agency or any local government involving matters with which he was directly involved during his employment. For purposes of this section, the term:

(a) "Be interested in" does not include holding a minority interest in a corporation.

(b) "Contract" does not include:

(I) Contracts awarded to the lowest responsible bidder based on competitive bidding procedures;



(II) Merchandise sold to the highest bidder at public auctions;

(III) Investments or deposits in financial institutions which are in the business of loaning or receiving moneys;

(IV) A contract with an interested party if, because of geographic restrictions, a local government could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than ten percent of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.

(V) A contract with respect to which any member of the general assembly, public officer, local government official, or employee has disclosed a personal interest and has not voted thereon or with respect to which any member of the governing body of a local government has voted thereon in accordance with section 24-17-109 (3) (b) or 31-4-404 (3), CRS. Any such disclosure shall be made: To the governing body, for local government officials and employees; in accordance with the rules of the house of representatives and the senate, for members of the general assembly; and to the secretary of state for all others.

## **Conflict of Interest (Statute on Conflict of Interest)**

**18-8-308. Failing to disclose a conflict of interest.** (1) A public servant commits failing to disclose a conflict of interest if he exercises any substantial discretionary function in connection with a government contract, purchase, payment or other pecuniary transaction without having given seventy-two hours' actual written notice to the attorney general, or to the governing body of the government which employs the public servant, of the existence of a known potential conflicting interest of the public servant in the transaction with reference to which he is about to act in his official capacity.

(2) A "potential conflicting interest" exists when the public servant is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any non-governmental entity participating in the transaction.

Failing to disclose a conflict of interest is a Class 2 misdemeanor.

## **Smoking Policy (Executive Order - Smoking in State Buildings, January 1, 1991)**

WHEREAS, it is the responsibility of the State of Colorado to promote a safe and healthy environment for all employees and for the public;

WHEREAS, involuntary smoking, also known as passive smoking, has been associated with lung and cervical cancer in non-smoking adults;

WHEREAS, involuntary smoking increases the risk of illness among persons who suffer from allergies, cardiovascular disease, and pulmonary disease;

WHEREAS, environmental tobacco smoke results in increased workload on ventilator systems, increased fire insurance and increased maintenance costs;

WHEREAS, simple separation of smokers and non-smokers within the same air space may reduce, but does not eliminate, exposure of non-smokers to environmental tobacco smoke;

WHEREAS, the technology for the cost-effective filtration of tobacco smoke from the air is currently not available;

WHEREAS, studies indicate that the cost of health care for smokers is appreciably higher than the costs for non-smokers;

WHEREAS, the elimination of work site smoking has been related to increased employee productivity and morale, reduced absenteeism and legal risk;

WHEREAS, I encourage the legislative and judicial branches of government to prohibit smoking in state buildings under the jurisdiction of those branches of government;

NOW, THEREFORE, I, Roy Romer, Governor of the State of Colorado under and pursuant to the authority vested in me under the Constitution and laws of Colorado, DO HEREBY ORDER THAT:

1. Smoking and the sale of tobacco products are prohibited in all buildings owned or leased by the state under the control of the executive branch except as provided below.
2. Within an agency, only the residential portions of facilities operated by these agencies are exempt from the Executive Order. Those departments shall develop a policy specific to such facilities that is in keeping with the intent of this Executive Order. These policies shall be submitted to the Executive Director of the Department of Personnel by March 1, 1991.

3. Agency directors responsible for motor pool and special use vehicles are encouraged to develop a policy for those vehicles consistent with the intent of this Executive Order.

4. Signs shall be posted at building entrances and other obvious public areas stating smoking is prohibited.

5. Willful violation of this Executive Order may subject an employee to corrective and/or disciplinary action.

6. Executive Directors and Presidents of institutions of higher education are responsible for the enforcement of this Executive Order and are encouraged to facilitate smoking cessation efforts for interested employees.

7. If the Executive Director of any department or President of any institution of higher education finds that extraordinary circumstances may require an exception to this order, that person shall communicate these circumstances to the Chief of Staff of the Governor's Office, who must approve each such exception.

This Executive Order is effective January 1, 1991.

## Diversity in State Government

*The following excerpts are from a memorandum to cabinet members from Governor Roy Romer dated August 22, 1995.*

### Diversity Plan for Employment of State Personnel

"During the years I have served as Governor of this state and throughout my political life, I have been committed to the principle that all citizens, regardless of race, ethnicity, sex, age, religion, or mental or physical disability, should be treated equally under the law and that such equal treatment should extend to all employment opportunities within Colorado State Government.

"While our state government has made some significant gains in its employment of individuals representative of Colorado's diverse heritage, I continue to believe that more can and should be done. I have made every attempt to recognize the importance of diversity in the appointments I make, at the cabinet level, to the state judiciary, and to the many boards and commissions that play such an important role in state government. However, I believe that opportunities for improvement exist throughout all levels of the state civil service system. Therefore, I think it is crucial that we redouble our efforts to provide opportunities for traditionally underrepresented groups to fully participate in employment opportunities at all levels of state government.

"I have been working with a representative group of cabinet officers to create a plan for increasing diversity among the workforce of classified state employees by which all of you, as department heads, can assist me by aggressively seeking out, recruiting, hiring, training, retaining and promoting individuals representative of groups that have been traditionally underrepresented in state government. The stated goal of the Diversity Planning Group in devising this plan was: *'To increase representation of people of color, women and other historically underrepresented groups at all levels of state government through the aggressive use of all available personnel tools to recruit, hire, train and promote qualified individuals.'*

"My Executive Order of August, 1987 directed the heads of each principal department of state government to eliminate any vestiges of discrimination in employment practices including, but not limited to, the selection, promotion, training and appraisal of employees. Each department head was directed to take necessary action to recruit and hire members of protected groups, with the goal that the percentages of minorities, women and persons with disabilities within each department of state government reflect at least the percentage of qualified persons from that group in the workforce of the State of Colorado. As part of this diversity plan, I want to make it clear that I continue to believe our goal should be that the percentage of individuals from such groups at all levels of state government should reflect the percentage of qualified persons from each such group in the workforce of the State of Colorado. I add that clarification because I believe that we cannot accomplish our goal of equal opportunity by employing large numbers of minorities and women in, for example, clerical and maintenance positions if they continue to be underrepresented in supervisory, management, and policy-making positions.

"To achieve that goal, I am directing all of my cabinet officers for whom I have

direct appointing authority to immediately begin implementation of the policies and procedures set forth below. It should be noted that the policies and procedures set forth herein are intended to supplement, not to replace, the requirements set forth in my previous Executive Order of August, 1987. Nothing in this plan or in my previous executive orders on this subject should be construed as undervaluing the importance of developing and maintaining a workforce based on merit and each individual's ability to perform his or her job in an exemplary manner. Rather, the purpose of this plan is to bring diverse individuals into the state classified system and to train, assess and promote them based on their job-related skills and performance in the best interests of the citizens whom we serve."

The memo then appoints a State Diversity Coordinator and outlines details for implementing the effort. Among these details, executive directors and appointing authorities should receive training for implementing the program; departments should develop more training opportunities for employees; recruitment and hiring fairs should be conducted to attract individuals from underrepresented groups to state employment.

## **Equal Employment Opportunity** (Executive Order issued in 1987)

WHEREAS, the state of Colorado must dedicate itself to the principle that all citizens regardless of race, ethnicity, sex, age, religion, or mental or physical disability are treated equally under the law;

WHEREAS, the state of Colorado should be a model of equal employment opportunity for the public and private sectors;

WHEREAS, the Personnel Board of the state of Colorado has determined that systemic discrimination against women and minorities has existed and continues to exist in the state personnel system and has taken action pursuant to Article XII, Section 14 of the Colorado constitution to remedy the effects of that discrimination;

WHEREAS, members of minority groups, women and persons with disabilities continue to be under represented in employment in state government in proportion to the percentages of qualified minorities, women and persons with disabilities in the labor force;

WHEREAS, the under representation of these groups is due to historical social and economic patterns of discrimination;

WHEREAS, the state work force should reflect the diversity of the population of the state of Colorado;

WHEREAS, the state of Colorado must continue to take positive steps toward the elimination of any discrimination and its vestiges, and assure that all citizens, regardless of race, ethnicity, sex, age, religion or physical or mental disability have equal opportunity to compete for and obtain employment with the state of Colorado;

NOW THEREFORE, I, Roy Romer, Governor of the state of Colorado, under the authority vested in me under the constitution and laws of the state of Colorado, order:

1. The head of each principal department is directed to eliminate any vestiges of discrimination in the employment practices of the department, including, but not limited to, selection, promotion, training, and appraisal.

2. The head of each principal department is directed to take necessary action to recruit and hire members of protected groups with the goal that the percentages of minorities and women within each department of state government reflect at least the percentage of qualified persons from that group in the work force in the state of Colorado.

3. The head of each principal department shall annually no later than October 1 of each year report to the Governor and the Executive Director of the Department of Personnel on the following:

- (a) An annual plan for the reduction or elimination of any underutilization of

women and minorities within their respective departments;

(b) Specific efforts to be undertaken by the department to recruit and hire minorities, women and persons with disabilities;

(c) In each job category where underutilization exists, each department head shall annually report to the Executive Director of the Department of Personnel each occasion when an appointing authority within that department appoints a member of an underrepresented protected class and the number of times during the preceding year the appointing authority has had an opportunity to appoint a member of an underrepresented protected class and has chosen not to do so.

(d) A plan for assuring that providing equal employment opportunity and achieving affirmative action goals are part of every appointing authority's performance plan and annual performance appraisal.

4. The Executive Director of the Department of Personnel shall annually recommend to the Governor for commendation the appointing authority in state government who has made the most progress toward achieving equal employment opportunity.

5. The Executive Director of the Department of Personnel shall report to me no later than November 1, 1987, and annually thereafter, on effective methods to assure that state employment is free from discrimination including mechanisms intended to achieve equal employment opportunity and specific methods for encouraging employment of persons with disabilities.

6. This order supersedes the Executive Order relating to Equal Employment Opportunity and Affirmative Action issued on April 16, 1975, but shall not supersede the March 16, 1978 Executive Order nor the fiscal rules on state contracting.

7. Copies of this Executive Order shall be distributed to all state departments and agencies and shall be displayed in prominent locations in their offices and facilities, particularly those locations to which the public has access.



## **Non-Discrimination (Executive Orders)**

### **Non-discrimination against persons with limited English proficiency (Executive Order 102-88)**

“No state agency, authority or employee shall deny or deprive any person of any benefit, privilege or right on the basis of a person’s limited English proficiency or the person’s language minority background.”

The Colorado Civil Rights Division is designated to receive complaints in this area.

### **Non-discrimination against persons infected with the AIDS virus (Executive Order 104-89)**

1. Appointing authorities in state government shall not discriminate in employment practices against any person infected with the AIDS virus or at risk for or perceived to be at risk for the infection.

2. All executive directors of the principal departments of state government shall make it known that no human rights violations against people infected with the AIDS virus shall be tolerated in this state and that any violation will be immediately reported to the Colorado Civil Rights Commission for appropriate action.

3. Persons diagnosed with HIV infection shall not be subject to any form of harassment within the work place, and any persons with HIV infection and otherwise qualified for employment services or benefits shall not be discriminated against in any fashion. Further, strictest principles of confidentiality will be maintained in management of personal medical information.

## **Safety in the Workplace (Executive Order)**

WHEREAS, injuries and illnesses in state workplaces impose a substantial burden upon the public employee in terms of personal tragedy and increased medical costs, and to the public employer in terms of lost efficiency and production, economic costs of retraining and replacement of injured and ill employees, lost production, workers' compensation payments, and health insurance costs; and

WHEREAS, the public employees of the State of Colorado deserve a workplace free from recognized hazards which cause death or harm; and

WHEREAS, it is appropriate for the State of Colorado to provide every state employee safe working conditions to the greatest extent possible;

WHEREAS, employees must be encouraged to report safety hazards; and

WHEREAS, the state should undertake to promptly investigate and correct safety deficiencies; and

WHEREAS, on May 30, 1989, I issued Executive Order DO122-89, giving a directive to all executive branch departments concerning the implementation of the revised Workers' Compensation Insurance Program to be administered by the Division of Risk Management, the provisions of which are reaffirmed and incorporated into this Executive Order by this reference;

NOW THEREFORE, I, Roy Romer, Governor of the State of Colorado, under the authority vested in me under the constitution and laws of the State of Colorado, ORDER:

1. The State of Colorado will attempt to provide a safe and healthful workplace to its employees, free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees.

2. The Governor's cabinet level safety committee ("Cabinet Safety Committee") having been established in Executive Order DO122-89 shall include the executive directors of all departments and shall meet periodically to review and evaluate the progress made in the implementation of this Executive Order and Executive Order DO122-89.

3. As directed in Executive Order DO122-89, each executive director and/or chief executive officer of a higher education institution shall establish a safety committee, ("Safety Committee") for the agency. The purpose of the Safety Committee will be to establish agency safety policies and procedures; to review the efficiency of such policies and procedures during the course of the year; and to evaluate and coordinate with the state Risk Manager's Office recommended changes and actions necessary to have the safest possible work environment. Each of these safety committees should have the executive director or college/university president as its chief member and the

participation of employees and/or employee representatives. The purpose of establishing such committees is to ensure that issues affecting employee safety will be dealt with at the highest organizational levels.

4. The Division of Risk Management and the Safety Committee established by each executive director or president of each institution shall establish reasonable occupational safety and health standards that protect the health and safety of state employees. The Division of Risk Management and the Safety Committee shall request assistance including information and materials from the Occupational Safety and Health Administration on employee safety in the workplace. The Division of Risk Management and the Safety Committee shall determine what parts, if any, of the relevant Occupational Safety and Health Standards might be used as guidelines in establishing the occupational safety and health rules for the agency. Each agency shall report its progress in implementing the provisions of this paragraph and the remainder of the Executive Order to the Governor no later than January 31, 1990.

5. The Office of Risk Management working with the executive directors of the respective agencies is directed to establish procedures to ensure that all health and safety concerns identified by employees are brought to the immediate attention of the department head or president of an institution, are promptly and thoroughly investigated, and unsafe conditions are corrected as soon as possible.

6. Employees shall be protected against retaliation for filing complaints and testifying with respect to health and safety issues. Classified employees are protected under State Personnel Board Rule 1-4-3(e). All employees are protected under the Whistleblower Act, C.R.S. 24-50.5-101 et. seq. Any complaint regarding such retaliation shall be investigated by the Department of Personnel.

7. The Department of Administration's Division of Risk Management will be in charge of the overall coordination of this Executive Order. The Division shall make quarterly reports to the Office of State Planning and Budgeting (OSPB) concerning the Division's discharge of its policy and fiscal responsibilities under this Executive Order and Executive Order DO122-89.

8. Copies of this Executive Order shall be distributed to all state departments and agencies and shall be displayed in prominent locations in their offices and facilities, particularly those locations in which employee notices are generally posted.

## **Substance Abuse Policy (State Employees, Executive Branch, updated 2001)**

### **The Policy**

The State of Colorado has a vital interest in maintaining a safe, healthful and efficient working environment for its employees, clients, and the public. Employees impaired by alcohol or other drugs during work hours may pose safety and health risks, not only to themselves, but also to others.

Therefore, to ensure a safe working environment, it is the policy of the State of Colorado that use of alcohol, other drugs, or controlled substances that results in job impairment is prohibited. Likewise, it is the policy of the State of Colorado that illegal possession, manufacture, use, sale, or transfer of a controlled substance on state property or during work hours by its employees is prohibited.

Violations of this policy will be cause for management/ supervisor intervention that may result in referral to mandatory treatment and/or to corrective or disciplinary actions up to and including termination.

### **Policy Implementation**

It is the state's intent to comply with each of the provisions of the Drug Free Workplace Act of 1988 (P.L. 100-690, Title V, Sub-Title D), the Omnibus Transportation Employee Testing Act of 1991 and the Final Rules (49CFR, Part 40).

It is the responsibility of all management and supervisory personnel to implement these policies and to follow these guidelines to ensure fair and consistent application throughout the Executive Branch. Each department or institution of higher education is responsible for issuing additional implementation guidelines and procedures as necessary. This handbook section does not substitute for legal advice.

1. The use of drugs or alcohol by an employee becomes a matter of concern to the state when it interferes with her or his job performance, conduct, attendance, or safety. The state's policy is directed toward rehabilitation, whenever reasonable.

2. The policy does not prohibit the use of alcohol on state premises when approved by the authorized official for the function. If alcohol is served, non-alcoholic beverages must also be available for consumption. This guideline is subject to the policies and procedures of each agency.

3. Violations of this policy will be cause for management/supervisor intervention that may result in referral to mandatory treatment and/or to corrective or disciplinary action up to and including termination and will be handled in accordance with applicable state, agency or institution of higher education personnel procedures.

4. Should an employee undergo alcohol/drug treatment, whether voluntary or mandatory, any absence from the job should be handled in accordance with existing leave policies and benefit plans. It remains the responsibility of the employee to meet established work standards.

5. In the case of mandatory treatment, it is the employee's responsibility to verify

compliance to her or his supervisor.

6. Refusal to accept referral to mandated treatment or to follow recommended treatment plans will be considered a violation of this policy and, therefore, may subject the employee to corrective or disciplinary action up to and including termination.

7. The appropriate law enforcement agency shall be notified when there is reasonable suspicion to believe that illegal possession, manufacture, use, sale, or transfer of a controlled substance on state property or during working hours has occurred.

8. Each agency shall notify each employee of the state's drug awareness program pursuant to the Federal Drug-Free Workplace Act of 1988, et. al.

9. Each employee is required by law to inform the personnel office of her or his department within (5) five days after she or he is convicted for violation of any federal or state criminal drug statute where such violation occurred on state premises or during work hours. A conviction means a finding of guilty (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.

10. The personnel administrator of each department must notify the U.S. government agencies with which that department contracts within ten (10) days after receiving notice from a federally funded employee or otherwise receiving actual notice of such a conviction for violation of any federal or state criminal drug statute where such violation occurred on state premises or during work hours. A copy of all such notices to the U.S. government shall be sent to the state personnel director.

11. The department or institution of higher education in which the grantee or contractor administratively resides shall, within thirty (30) days after receiving notice from an employee of a conviction for violation of any federal or state criminal drug statute where such violation occurred on state premises, take appropriate personnel action against such employee up to and including termination; or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

12. Should a supervisor become aware of a pattern of unsatisfactory job performance that has not been corrected by standard corrective procedures or the employee's own initiative, the supervisor may refer the employee for appropriate assistance including but not limited to the Colorado State Employees Assistance Program (C-SEAP).

13. Testing of Applicants and Employees: The State of Colorado may, at its discretion, require urinalysis or other screening in certain instances set forth as follows:

## **1. U.S. Department of Transportation (DOT) regulated (49CFR, Part 40) employees.**

Individuals required to have a commercial driver's license (CDL) as part of their jobs, are considered "Safety Sensitive" positions under DOT. They will be subject to the following alcohol and other drug tests:

- Pre-employment (for drugs only)
- Reasonable suspicion
- Post-accident
- Random
- Follow-up

DOT requires a substance abuse professional (SAP) evaluation with positive test results. Contact C-SEAP or the Drug-Free Workplace Coordinator for service referral.

## **2. Non-DOT employees**

### **A. Pre-employment screening**

To prevent hiring individuals whose use of alcohol or other drugs indicates a potential for impaired or unsafe job performance, the state may implement pre-employment screening. This applies to all positions where the public health or safety may be affected.

### **B. Current employees**

(1.) Safety-related position: The Executive Director or heads of institutions of higher education may require employees in safety-related positions to submit to testing at the request of supervisors. Prior to requesting tests, supervisors must get approval for testing requests from the appointing authority or her or his designee.

(2.) Other employees: Reasonable suspicion testing may be instituted by the Executive Director or heads of institutions of higher education. A supervisor trained in recognizing alcohol and other signs and symptoms who has reasonable suspicion to believe that an employee's use of drugs or alcohol has resulted or is likely to result in job impairment or in any way jeopardize the safety of persons or property may request an employee to submit to a test. Supervisors must get approval from the appointing authority or his or her designee prior to requesting the test.

(3.) For employees paid from federal funds, where federal laws or regulations are more stringent than those contained in this policy, the federal regulations and procedures will supersede this policy.

(4.)(a.) Any alcohol or other drug testing where the outcome is a positive result, shall be verified through a confirmatory method. If a positive result is verified through a confirmatory test, it will be deemed a violation of this policy. (b.) Refusal to test or presenting of an adulterated/substituted sample is reported as a positive sample.

(5.) All test results arising from this policy shall insure privacy, proper chain of custody and remain confidential. Any information gained should be communicated on a strict “need to know” basis.

### **C. Refusal to Submit to Testing**

Refusal by an employee or group of employees to submit to testing if there is reasonable suspicion based on specific objective facts, or refusal by an employee in a safety related position who has been requested to submit to testing by her or his supervisor with the approval of the appointing authority or her or his authorized designee, is considered a violation of this policy and will be cause for management/supervisor intervention that may result in referral to mandatory treatment and/or to corrective or disciplinary actions up to and including termination.

14. To ensure compliance with this policy and its procedures, each department is required to report by September 1 of each year, to the state personnel director in the Department of Personnel & Administration activities undertaken pursuant to this policy and its procedures. These reports will be forwarded to the governor for his information.

## **Work-Life Issues (Executive Orders and House Joint Resolution)**

### **Employer's Policy on Work-related Family Issues (Executive Order issued April 10, 1998)**

WHEREAS, our nation has undergone the most profound demographic changes in history to family patterns and labor force composition, yet institutions have not re-engineered to accommodate these changes; and

WHEREAS, the demands of work and personal life are not mutually exclusive, regardless of gender; and

WHEREAS, studies show that ignoring work-life issues costs employers billions of dollars in lost productivity, which harms our economic climate; and

WHEREAS, healthy, emotionally stable and well-educated families are the key to Colorado's future; and

WHEREAS, employer support through a work environment that integrates work-life needs represents a sound investment and a cost effective approach to acquiring and retaining a stable, productive workforce, both for today and tomorrow; and

WHEREAS, quality of work-life is as, or more, important to many workers than compensation and benefits; and

WHEREAS, a flexible work environment is a key business strategy that viable employers must incorporate to meet the demands of the modern workplace; and

WHEREAS, work-life studies, including internal needs assessments, show that employees believe that supervisory sensitivity is second only to flexibility in improving work productivity and quality and the ability to cope with personal responsibilities; and

WHEREAS, the state, as an employer, strives for excellence in productivity, efficiency, and customer service in its workforce and accepts the challenge to support employees in work-life issues, including the role of caregiver.

NOW THEREFORE, I, Roy Romer, Governor of the State of Colorado, under the authority vested in me by the laws and the Constitution of the State of Colorado, DO HEREBY ORDER THAT the policy of the state, as an employer, on work-life issues is as follows:

1. The state recognizes that work-life issues must continue to be addressed in order to retain a quality workforce, to create a culture conducive to improved productivity, quality and customer service, and to compete for future workers.
2. The Department of Personnel & Administration, through the Work-Life Resource



Group, the Governor's Office, the State Personnel Board and the Governor's Cabinet are directed to continue working together to aid state employees in integrating work and life responsibilities and to pursue new options that continually improve responsiveness and commitment to being a model employer.

3. The rules of the state personnel system shall continue to include a policy statement that reflects the intent of this Executive Order.

4. The state personnel system shall continue to promote flexibility and innovation in human resource policies and programs, including scheduling, job design, work location and benefits in order to create an environment that encourages positive solutions to work-life conflicts.

5. All supervisors and managers of state employees continue to be accountable for making every reasonable effort to deal with work-life issues equitably, flexibly, and compassionately without adversely affecting the mission of the department. Performance plans will incorporate a factor that evaluates managers and supervisors on their application of basic business skills and sound judgment in using work-life policies and programs.

6. The Governor's Cabinet will continue to provide leadership in creating the culture necessary to support work-life issues.

7. All employee orientation programs will continue to provide information on the state's work-life philosophies and programs. In partnership with supervisors and managers, employees are encouraged to offer feasible and creative solutions to their work-life needs without adversely affecting the employer's ability to accomplish the business of the work unit.

8. The order shall be reviewed no later than December 31, 1998, to determine appropriate action for its continuance, modification or termination.

9. D 0153 89 shall be amended to the extent necessary to conform to this order.

**Employer's Policy on Work-related Family Issues** (Executive Order D 0153 89 issued December 11, 1989)

WHEREAS, changed family patterns and the composition of the labor force show that work and family can no longer be separated and that employers benefit by responding to family needs;

WHEREAS, studies show that ignoring work-related family issues costs employers billions of dollars in lost productivity, which harms our economic future;

WHEREAS, health, emotionally stable and well-educated children are the key to Colorado's future;

WHEREAS, support in the work place for families represents a sound investment in the acquisition of a stable, productive workforce;

WHEREAS, responding to family needs is a cost-effective approach to retaining today's workforce and competing for tomorrow's workers; and,

WHEREAS, the state, as an employer, strives for excellence in productivity, efficiency, and effectiveness in its workforce and accepts the challenge to support families in issues of work-related family care by becoming a model employer;

NOW THEREFORE, I, Roy Romer, Governor of Colorado, by virtue of the authority vested in me under the laws of Colorado, DO HEREBY ORDER THAT the policy of the state, as an employer, on work-related family issues shall be as follows:

1. The state recognizes that work-related family issues must be addressed in order to retain a quality workforce, to improve productivity and creativity, and to compete for future workers.
2. The Department of Personnel, the Family Resource Group, and the Governor's Office are directed to work together to aid state employees in balancing their work and family responsibilities.
3. The Department of Personnel and the State Personnel Board shall implement policies and procedures that assist workers in simultaneously meeting their work and family responsibilities.
4. The Department of Personnel and the State Personnel Board shall promote flexibility and innovation in job design, work hours, location, environment, leave policies, and benefits, including policies which allow parents to participate meaningfully in the education of their children.

5. All supervisors and managers are to make every reasonable effort to deal with family issues equitably, flexibly, and compassionately without adversely affecting accomplishment of the mission of the agency.

6. The supervisory and managerial training programs offered by the Department of Personnel will address work-related family care issues and the state's family policies and programs in order to increase awareness of employee family-related needs and methods of effectively dealing with them.

**Flextime** (Executive Order issued on June 10, 1977)

WHEREAS, the State of Colorado should implement innovative employment practices to meet the needs of the public and State employees; and

WHEREAS, flextime is a progressive work scheduling approach; and

WHEREAS, the United States Civil Service Commission has documented the following benefits of flextime:

(1) Improved employee morale because of more responsible treatment of employees and greater employee control over work habits;

(2) Increased productivity due to fewer distractions, more quiet time periods, and greater psychological alertness of employees;

(3) Reduced usage of sick leave and leave without pay;

(4) Very substantial reduction in tardiness and the counseling and organizational friction inherent in tardiness; and

(5) Reduced traffic congestion in centers of clustered public employment; and

WHEREAS, the disadvantages of flextime are marginal and can be minimized by proper managerial planning; and

WHEREAS, flextime can be implemented for many employees without degradation of the services available to the public during the statutorily established state office hours of 8:30-5:00; and

WHEREAS, flextime has already been successfully tested on a limited basis in Colorado State Government; and

WHEREAS, the State Department of Personnel has endorsed flextime and established guidelines for its more appropriate use; and

WHEREAS, a bipartisan group of Colorado State Legislators, the Colorado Commission on the Status of Women, and the Colorado Association of Public Employees have endorsed the establishment of flextime procedures in State Government;

NOW THEREFORE, I, Richard D. Lamm, Governor of the State of Colorado, recognize that flextime is an appropriate and beneficial employment practice and strongly urge all State of Colorado appointing authorities to utilize this concept pursuant to Department of Personnel guidelines.

**Job Sharing** (Executive Order issued on June 10, 1977)

WHEREAS, the State of Colorado should continually explore innovative employment practices to meet the needs of the public and State employees; and

WHEREAS, job sharing is such an approach to more progressive employment practices; and

WHEREAS, the United States Civil Service Commission has documented the following benefits of job sharing:

- (1) Reduction in employee turnover by 2/3's,
- (2) Real worker productivity increases,
- (3) Improved employee work habits including reduced absenteeism and less frequent tardiness, and
- (4) Additional flexibility for many individuals career circumstances and family responsibilities; and

WHEREAS, the marginal cost of job sharing is modest and effectively returned to the State because of job sharing benefits; and

WHEREAS, job sharing has already been successfully tested on a limited basis in Colorado State government; and

WHEREAS, the State Department of Personnel has endorsed the job sharing technique and established guidelines for the most appropriate use; and

WHEREAS, job sharing can effectively be phased in to apply to appropriate positions without adversely affecting current employees by developing shared jobs in new or vacant positions or by allowing current employees to voluntarily shift to a shared job status; and

WHEREAS, a bipartisan group of Colorado State Legislators and the Colorado Commission on the Status of Women have urged the formal establishment of job sharing procedures in State government;

NOW THEREFORE, I, Richard D. Lamm, Governor of the State of Colorado, endorse the job sharing approach as an appropriate and beneficial employment practice and strongly urge all State of Colorado appointing authorities to utilize this concept pursuant to Department of Personnel guidelines wherever they deem it to be appropriate.

## **House Joint Resolution 99-1044 Concerning The Encouragement Of Voluntary Efforts To Alleviate Congestion On Colorado Highways**

WHEREAS, The state of Colorado contains more than 85,000 miles of roads and 8,300 bridges, and vehicle miles in Colorado last year totaled more than 36 billion, 22 billion of such miles on state roads; and

WHEREAS, Nearly three-fourths of Colorado's portion of the interstate highway system was built before 1970, and since then, the population of this has increased by 1.8 million people; and

WHEREAS, Insufficient investment in the state's transportation system relative to the state's population growth has resulted in too many congested and unsafe roads, with heavily-traveled portions of such roads forced to handle thousands more daily trips by motorists than was anticipated when such roads were constructed; and

WHEREAS, Although the Colorado Transportation Commission has identified 28 strategic transportation projects across the state that are critical for improving Coloradans' safety and mobility, the projected completion date for all of these projects is literally a generation away; and

WHEREAS, Beneficial growth in Colorado's economy and preservation of our state's unique quality of life will only be possible if goods, services, and people can be moved quickly, efficiently, and economically across our state; and

WHEREAS, Addressing the state's transportation crisis is a major priority of the First Regular Session of the Sixty-second General Assembly, and Governor Owens' administration, working in concert with the General Assembly, has developed a comprehensive package of legislative measures that will, if enacted, accelerate completion of the 28 state-wide strategic transportation projects, provide safer and less congested highways, direct attention to needed improvements in the southeast corridor while freeing up resources for other important projects around the state, and save Colorado taxpayers money and time otherwise lost to traffic congestion; and

WHEREAS, There are numerous actions Colorado public and private employers, families, and citizens can take now on a voluntary basis to relieve or reduce traffic congestion on the state highways that will enhance and supplement the package of transportation measures currently pending before the General Assembly, including the adoption and encouragement of flex-time, home-office, telecommuting, and ride-sharing arrangements, as well as the use of "jitney" taxicab services in heavily congested areas; and

WHEREAS, Voluntary efforts on the part of Colorado public and private employers, families, and citizens to make greater use of these or other alternatives to traditional highway usage could make a meaningful difference in reducing or relieving congestion on state roads at little or no cost to the public; now, therefore,

*Be It Resolved by the House of Representatives of the Sixty-second General Assembly of the State of Colorado, the Senate Concurring herein:*

(1) That the General Assembly encourages Colorado public and private employers, families, and individual citizens to adopt and practice voluntary efforts, whether through flex-time, home-office, telecommuting, ride-sharing, jitney taxicab service, or other arrangements, that will reduce or relieve traffic congestion on state roads.

(2) That the General Assembly encourages the executive director of each principal department of the executive branch to consider, to the extent not yet undertaken, the adoption of policies that will foster the use of voluntary efforts to reduce traffic congestion on the part of the employees in that department, consistent with existing rules and regulations concerning personnel matters or otherwise.

*Be It Further Resolved,* That copies of this Joint Resolution be sent to Governor Bill Owens, the executive director of each principal department of the executive branch of state government, and each member of Colorado's delegation to the United States Congress.

/s/  
Russell George  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

/s/  
Ray Powers  
PRESIDENT OF THE  
SENATE

**Human Rights (Executive Order - Celebration of Human Rights, December 1990)**

WHEREAS, in the State of Colorado we recognize the diversity in our pluralistic society and strive to bring an end to discrimination in any form;

WHEREAS, freedom from discrimination is the policy of state government;

WHEREAS, the State of Colorado must continue to take positive steps to ensure non-discrimination, and assure that all citizens, regardless of race, ethnicity, gender, sexual orientation, age, religion, or physical or mental disability, have an equal opportunity to compete for and obtain employment with the State of Colorado;

NOW, THEREFORE, I, Roy Romer, Governor of the State of Colorado, under the authority vested in me under the Constitution and laws of the State of Colorado, DO HEREBY ORDER THAT, with respect to all state employees, classified and exempt:

The head of each principal department, and the president of each institution of higher education, shall ensure non-discrimination based on race, ethnicity, gender, sexual orientation, age, religion, or physical or mental disability, in any matter pertaining to hiring, promotion, training, recruitment, and appraisal, and shall maintain an environment where only job-related criteria are used to assess employees or prospective employees of the State of Colorado.



## **ADA Complaint Policy (Executive Order issued on February 9, 1993)**

Executive Order D0002 93 issued on Feb. 9, 1993 outlines procedures for responding to complaints from the public on the basis of the federal Americans with Disabilities Act (ADA). The ADA ensures equal access to programs, services and activities conducted by the state government and mandates equal opportunity in all terms and conditions of employment.

The executive order defines a model informal grievance procedure to be implemented by each department. An individual who feels there is a potential violation of the ADA files a complaint regarding the program or service in which the perceived violation has occurred. The complaint goes first to the supervisor in charge of the program or service or to the lowest level person above that supervisor who can resolve the problem.

An alternate complaint method through a department's ADA coordinator also is outlined, as is a means of appealing lower level decisions to the department's executive director.

State personnel board rules regulate situations relating to discrimination because of disability against qualified individuals in regard to job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training; and other terms, conditions and privileges of employment.

For further information, see: R 13-1 [1-5]

The department's ADA coordinator should be consulted if there is uncertainty about how to handle a complaint.

## **Workplace Violence (Executive Order issued August 1996)**

WHEREAS, the incidence and prevalence of workplace violence have increased in recent years; and

WHEREAS, State employee have the right to expect their employer to take necessary steps to provide a violence-free environment and an opportunity to address issues concerning violence; and

WHEREAS, the State of Colorado has several policies reflecting its commitment to maintaining a safe and healthy working environment for its employees, clients and the public; and

WHEREAS, this policy on workplace violence is consistent with that commitment.

NOW, THEREFORE, I, Roy Romer, Governor of the State of Colorado, pursuant to the authority vested in me under the statutes and constitution of the State of Colorado, DO HEREBY ORDER THAT:

1. The state will not tolerate violent behavior or the threat of violent behavior directed by anyone toward state employees, customers, clients, state property or facilities. Such behavior may result in corrective and/or disciplinary action if it is committed by a state employee, and/or criminal charges when appropriate;

2. Possession of a firearm or weapon of any kind, including those defined by Colorado Revised Statute (C.R.S.) Title 18, Article 12, is prohibited at work, including in a state vehicle, except when such possession is a necessary requirement of an employee's job, or is approved by an appointing authority;

3. Violent behavior is defined as any act or threat of physical, verbal or psychological aggression or the destruction or abuse of property by an individual. Threats may include veiled, conditional or direct threats in verbal or written form, resulting in intimidation, harassment, harm or endangerment of the safety of another person or property;

- 4 This policy is not intended to preclude the use or threat of reasonable force, where appropriate, in the course of a state employee's assigned duties;

5. All threats to employee safety from any source, including domestic violence occurring in the workplace, will be taken seriously and addressed appropriately;

6. Employees who believe they have been subjected to behavior prohibited by this policy, or who have observed any such behavior should report the incident to their

supervisor or other appropriate authority. The supervisor or appropriate authority will investigate and take appropriate action;

7. Copies of this Executive Order shall be distributed to all state departments and agencies and shall be displayed in prominent locations in their offices and facilities, particularly those locations in which notices are generally posted;

8. Department managers are directed to evaluate their organization and take appropriate steps to address potential workplace violence situations.

**Customer Service (Creating a Customer Service Culture in Colorado Government, July 1996)**

WHEREAS, the State of Colorado government is committed to achieving total customer satisfaction in all facets of state government services;

WHEREAS, the citizens of Colorado require and the state is committed to providing government services in the most efficient and effective ways possible;

WHEREAS, the State of Colorado must deliver goods and services that consistently meet citizen requirements in order to achieve total citizen satisfaction;

WHEREAS, there is a lack of consistent standards in state government for providing goods and services that meet citizen requirements and the role of the service provider;

WHEREAS, the total involvement of state government employees who provide a service to Colorado citizens and to internal customers is needed to adopt a customer service culture in Colorado government;

WHEREAS, the concepts and tools of customer service training provide the knowledge and skills necessary for state employees to create positive customer perceptions of government services;

WHEREAS, the process for improving the routine delivery of customer service and management of customer relations is the provision of supervisors of state employees who deliver the services;

WHEREAS, supervisory training in customer service provides the knowledge and skills needed by supervisors to convey customer information to employees and facilitate employee understanding of how to meet customer requirements;

WHEREAS, empowering state employees to take responsibility for solving customer service problems using concepts and tools taught in customer service training and training supervisors in how to manage customer satisfaction will create a culture in state government that achieves citizen satisfaction;

NOW THEREFORE, I ROY ROMER, Governor of the State of Colorado, under the authority vested in me under the Constitution and laws of the State of Colorado, DO HEREBY ORDER THAT:

Employees who meet regularly with the public to deliver goods and services and those who work with internal customers to regularly provide goods and services are deemed to be "front-line employees."

Front-line employees shall receive customer service training that provides the knowledge and skills necessary for them to be able to deliver goods and services deemed to be "front-line employees."

By the end of the 1996 calendar year, 70 percent of employees designated as "front-line" shall be trained in approved programs.

By the end of 1997 calendar year, 100 percent of these employees shall receive approved training.

Supervisors of designated front-line employees shall receive supervisory customer service training, which provides the knowledge and skills necessary for them to facilitate customer service in their areas of responsibility.

By the end of the 1996 calendar year, 40 percent of employees designated as supervisors of front-line employees shall be trained in approved programs.

By the end of the 1997 calendar year, 100 percent of these employees shall receive approved training.

Every department in Colorado state government shall submit a plan to me on how these goals are to be met by August 15, 1996.

## **Incentives and Rewards (Executive Order issued July 1996)**

WHEREAS, monetary and non-monetary incentives are valuable methods of rewarding innovation among state employees; and

WHEREAS, incentives can stimulate creative and exemplary contributions by employees; and

WHEREAS, it is fair and appropriate to recognize and reward the exemplary contributions of state employees; and

WHEREAS, rewarding and recognizing employees in order to motivate and retain them is in the best interest of the state of Colorado.

NOW THEREFORE, I, ROY ROMER, Governor of the State of Colorado, under the authority vested in me under the Constitution and laws of the State of Colorado, DO HEREBY ORDER THAT:

Each state agency develops its own incentive award program with review and assistance from the Department of Personnel & Administration.

Agencies may establish their own policies and procedures and set the amount of funding to be made available for incentives. The following elements are recommended for agency programs:

Small awards up to \$25 to be given on the spot by supervisors for what they deem to be exemplary service;

Awards in the \$100 range to be made within broad guidelines/criteria set by the agency;

Awards above \$100 are to be set in standardized increments with a maximum award of \$1,000. The larger awards should be subject to more stringent criteria than those applied for lesser awards; and

Non monetary awards should be included as well as monetary incentives.

Each state department shall report annually to the Department of Personnel & Administration the program results and incentives rewarded.

Every department in Colorado state government shall submit a plan to me on how these goals are to be met by August 15, 1996.

## **Inclement Weather Policy (Executive Policy effective May 22, 2001)**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order establishing an inclement weather policy for state employees.

### **A. Background & Need**

The State of Colorado experiences severe weather conditions throughout the year. Colorado State government must continue to fully operate during these circumstances. However, extreme weather conditions may require the closure of certain State facilities. In these extraordinary circumstances the Governor or the Executive Directors of the Departments of State government must have the authority to make reasonable decisions regarding such closures.

### **B. Directive**

All employees of the Executive Branch of State government are expected to work pursuant to assigned schedules regardless of weather conditions, subject to the provisions of this order.

1. Inclement weather will cause the closure of State facilities only in the event of extreme weather conditions.

2. The existence of extreme weather conditions shall be determined by the Governor or his Chief of Staff for all state facilities within the Denver Metropolitan area. The Denver

Metropolitan area is defined as Denver and its surrounding suburbs within a 15-mile radius.

3. Executive Directors, or their designated representatives, are delegated the authority to close State facilities outside of the Denver Metropolitan area during times of severe weather. In addition, Executive Directors are delegated the authority to stagger the release times of employees when severe weather conditions exist that warrant such action.

4. If the Governor or Executive Directors close state facilities, affected employees will be granted administrative leave subject to the following provisions:

i. State facilities and employees necessary to the health and safety of the state must remain in service during extreme weather conditions. Executive Directors shall predetermine which functions within their respective departments are necessary during extreme weather conditions. State employees who are required to work during a

closure will remain on their regular pay rate and will not be granted a future day of administrative leave.

ii. State employees who arrive late to work due to severe weather conditions, when the State facility has not been closed, may be excused only if the appointing authority determines, in his or her discretion, that the lateness was reasonable.

iii. State employees who are already on approved leave when a closure occurs may not substitute administrative leave for the period of closure.

iv. Emergency road closures made by State, county or municipal governments or by the Colorado State Patrol will be honored by the State. State employees affected by state or local road closures may be granted administrative leave.

v. Higher education institutions are exempt from this order and may establish an independent policy based upon the institutions' respective needs.

vi. If the Governor determines that weather conditions amount to a "disaster" within the meaning of the Colorado Disaster Emergency Act of 1992, the provisions of the Act as described at C.R.S. 24-32-2114 will be implemented.

### C. Responsibilities

The following responsibilities are assigned to implement this order:

1. The Governor's Press Secretary or the Chief of Staff will be the point of contact in the Governor's Office for inclement weather matters.

2. The Colorado State Patrol shall keep the Governor's Office informed on road conditions and closures.

3. The Executive Directors of the Departments of State government shall designate in advance those employees who are necessary during extreme weather conditions. In addition, Executive Directors shall develop an internal procedure to process inclement weather decisions, including a system of notification for employees.

### D. Past Executive Orders Superseded and Replaced

Past Executive Orders and policies concerning the inclement weather policy for State employees are hereby superseded and replaced by this Executive Order, including the Inclement Weather Policy of November 1, 1988.



GIVEN under my hand and the  
Executive Seal of the State of Colorado  
The 22nd day of May, 2000.

/s/  
Bill Owens  
Governor

## **Colorado Combined Campaign (Executive Order - Payroll Deductions, May 25, 2001)**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order identifying the Colorado Combined Campaign as the sole entity authorized as “state-sponsored for all state employees” and defining the policy of the State regarding payroll deductions.

### **1. Background and Need**

In 1996, the General Assembly adopted broad reforms of the personnel system. Specifically, the legislature adopted and Governor Romer signed a bill that repealed the automatic approval of all written requests for state government implemented payroll deductions in favor of the provision that is the law today. Pursuant to those statutory reforms, the Department of Personnel /General Support Services (“GSS”) is required to undertake a review of all payroll deductions processed by the State Colorado. This duty is entrusted to the Executive Director of GSS or the director’s designee to regulate, approve and review all payroll deductions other than those expressly authorized by statute (such as federal tax withholdings) or those that are state sponsored for all state employees. This second category was not defined by the legislature.

For some time, the State of Colorado has accepted the administrative burden of processing personal payroll deductions for employees and sending those payments to other institutions and organizations. In fact, the State currently processes an unidentified number of payroll deduction requests monthly. The Executive Director of GSS is now undertaking a review of all payroll deductions processed by the State of Colorado.

As a policy, state government should not use taxpayer resources to duplicate services that can be provided by the private sector. Payroll deduction services should be used for administrative convenience to the State to reduce the burdens on state government in providing employment related services to its employees. Individuals who choose to deduct from their accounts for personal reasons have the ability to arrange for personal deductions through their private financial institutions. Privately arranged transactions function as effectively as the current state administered payroll deductions and provide greater privacy protection for an employee’s individual deduction choices.

### **2. Designation**

Because Colorado Revised Statute §24-50-104(8)(c) does not specifically define which entities are “state-sponsored for all state employees,” the executive branch must adopt a policy that is most consistent with the intent of the legislature. The legislative history for

this provision indicates that the General Assembly intended this provision to allow for contributions that fund the Colorado Combined Campaign's charitable activities. Having no additional criteria to apply, I designate the Colorado Combined Campaign as the only entity "state sponsored for all state employees" in C.R.S. §24-50-104(8)(c).

### 3. Directive

A. I direct the Executive Director of GSS to conduct the statutorily required review of all requests for payroll deductions within the director's authority, consistent with the policy expressed in this Executive Order.

B. I direct the Executive Director of GSS to continue all deductions that are "state-sponsored for all state employees," consistent with the designation contained in this Executive Order.

### 4. Past Orders Superseded and Replaced

This Executive Order shall supersede and replace all previous Executive Orders pertaining to payroll deduction processing.

### 5. Duration

This Executive Order shall remain in force until further modification or rescission by the Governor.

Given under my hand and  
the Executive Seal of the  
State of Colorado, this 25th  
day of May, 2001.

/s/  
Bill Owens  
Governor

**Executive Branch Policy Concerning Separation Agreements** (Executive Policy effective March 10, 2003)

Executive branch departments are authorized to enter into a separation incentive agreement with employees in the state personnel system only if the following conditions apply:

- Pursuant to State Personnel Board Rule R-7-21, a separation incentive agreement may be offered to an employee when a layoff is in progress or, after March 30, 2003, when a layoff is anticipated;
- The layoff is the result of a need to achieve a permanent reduction in personal services within the department;
- The employee has retention or “bumping” rights which would reduce any personal services savings associated with his or her layoff or when it results in the same savings and eliminates further bumping;
- The personal services savings that result from the separation of the employee is realized by the end of the next fiscal year and is greater than the cost to the department of the separation (i.e., the cost of the separation agreement plus any related payouts for unused vacation or sick leave);
- The cost to the department of the separation incentive, including leave payouts, can be funded from within the department’s base appropriation;
- The Director establishes the parameters for the maximum amount of money the employee can receive. Currently, the established maximum amount is limited to one week of salary for each full year of uninterrupted state service, up to a maximum of 27 weeks. Additionally, any such separation incentive shall not exceed 25% of annual salary;
- The executive director of the department documents that the separation agreement meets the above criteria; and
- The agreement is approved by the State Controller’s Office.

Any separation agreement that does not satisfy the conditions above must be pre-approved by both the Director of the Governor’s Office of State Planning and Budgeting and the Director of the Department of Personnel and Administration.